

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 21
94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRIESHEIMER.

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TERRY L. SPIELER, Secretary.

0256S.04P

AN ACT

To repeal sections 393.829 and 432.070, RSMo, and to enact in lieu thereof thirty-nine new sections relating to reorganized common sewer districts, with an emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 393.829 and 432.070, RSMo, are repealed and thirty-nine new sections enacted in lieu thereof, to be known as sections 204.600, 204.602, 204.604, 204.606, 204.608, 204.610, 204.612, 204.614, 204.616, 204.618, 204.620, 204.622, 204.624, 204.626, 204.628, 204.630, 204.632, 204.634, 204.636, 204.638, 204.640, 204.650, 204.652, 204.654, 204.656, 204.658, 204.660, 204.662, 204.664, 204.666, 204.668, 204.670, 204.672, 204.674, 393.829, 432.070, 644.597, 644.598, and 644.599, to read as follows:

204.600. Any common sewer district organized and existing under sections 204.250 to 204.270, and any sewer district organized and existing under chapter 249, RSMo, may be converted to a reorganized common sewer district under the provisions of sections 204.600 to 204.640. In addition, a reorganized common sewer district may be established as provided in sections 204.600 to 204.640. Once established, a reorganized common sewer district shall have all powers and authority of and applicable to a common sewer district organized

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

9 and existing under sections 204.250 to 204.270 and applicable to a sewer
10 district established under chapter 249, RSMo, which are not
11 inconsistent or in conflict with sections 204.600 to 204.640, provided
12 that no domestic water services shall be provided within the
13 boundaries of an existing public water supply district or within the
14 certificated area of a water corporation as defined in section 386.020,
15 RSMo.

204.602. 1. Proceedings for the new formation of a reorganized
2 common sewer district under sections 204.600 to 204.640 shall be
3 substantially as follows: a petition in duplicate describing the
4 proposed boundaries of the reorganized district sought to be formed,
5 accompanied by a plat of the proposed district, shall first be filed with
6 each county commission having jurisdiction in the geographic area the
7 proposed district is situated. Such petition shall be ruled on by each
8 county commission having jurisdiction within thirty days from the date
9 of hearing the petition. If the petition for the reorganized district is
10 rejected by any county commission having jurisdiction, no further
11 action on the proposed district shall take place before the county
12 commission which rejected the petition or the circuit court of that
13 county in the county which rejected the petition. If approved by each
14 county commission having jurisdiction, a petition in duplicate
15 describing the proposed boundaries of the reorganized district sought
16 to be formed, accompanied by a plat of the proposed district, shall be
17 filed with the clerk of the circuit court of the county wherein the
18 proposed district is situated or with the clerk of the circuit court of the
19 county having the largest acreage proposed to be included in the
20 proposed district, in the event that the proposed district embraces
21 lands in more than one county. Such petition, in addition to such
22 boundary description, shall set forth an estimate of the number of
23 customers of the proposed district, the necessity for the formation of
24 the district, the probable cost of acquiring or constructing sanitary
25 sewer improvements with the district, if appropriate, an approximation
26 of the assessed valuation of taxable property within the district,
27 whether the board of trustees shall be elected or appointed by the
28 county commission, and such other information as may be useful to the
29 court in determining whether or not the petition should be granted and
30 a decree of incorporation entered. Such petition shall be accompanied

31 by a cash deposit of fifty dollars as an advancement of the costs of the
32 proceeding. The petition shall be signed by not less than fifty voters or
33 property owners within the proposed district and shall request the
34 incorporation of the territory therein described into a reorganized
35 common sewer district. The petition shall be verified by at least one of
36 the signers.

37 2. Upon filing, the petition shall be presented to the circuit
38 court, and such court shall fix a date for a hearing on such petition, as
39 provided in this section. The clerk of the court shall give notice of the
40 petition filing in some newspaper of general circulation in the county
41 in which the proceedings are pending. If the district extends into any
42 other county, such notice also shall be published in some newspaper of
43 general circulation in such other county. The notice shall contain a
44 description of the proposed boundary lines of the district and the
45 general purposes of the petition. The notice shall set forth the date
46 fixed for the hearing on the petition, which shall not be less than
47 fifteen nor more than twenty-one days after the date of the last
48 publication of the notice, and shall be on some regular judicial day of
49 the court that the petition is pending. Such notice shall be signed by
50 the clerk of the circuit court and shall be published in three successive
51 issues of a weekly newspaper or in a daily paper once a week for three
52 consecutive weeks.

53 3. The court, for good cause shown, may continue the case or the
54 hearing from time to time until final disposition.

55 4. Exceptions to the formation of a district, or to the boundaries
56 outlined in the petition for incorporation, may be made by any voter or
57 property owner within the proposed districts, provided that such
58 exceptions are filed not less than five days prior to the date set for the
59 hearing on the petition. Such exceptions shall specify the grounds
60 upon which the exceptions are being made. If any such exceptions are
61 filed, the court shall take them into consideration in passing upon the
62 petition and also shall consider the evidence in support of the petition
63 and in support of the exceptions made. Should the court find that the
64 petition should be granted but that changes should be made in the
65 boundary lines, it shall make such changes in the boundary lines as set
66 forth in the petition as the court may deem proper and enter its decree
67 of incorporation, with such boundaries as changed. No public sewer

68 district shall be formed under this chapter, chapter 249, RSMo, section
69 247.035, RSMo, or any sewer district created and organized under
70 constitutional authority, the boundaries of which shall encroach upon
71 the corporate boundaries of any sewer district then existing or upon
72 the certificated boundaries then existing of any sewer corporation
73 providing service under a certificate of convenience and necessity
74 granted by the public service commission. Nor shall any public sewer
75 district extend wastewater collection and treatment services within the
76 boundaries of another district without a written cooperative agreement
77 between such districts or within the certificated boundaries then
78 existing of any sewer corporation providing service under a certificate
79 of convenience and necessity granted by the public service commission
80 without a written cooperative agreement between the public sewer
81 district and the certificated sewer corporation.

82 5. Should the court find that it would not be in the public
83 interest to form such a district, the petition shall be dismissed at the
84 cost of the petitioners. If the court should find in favor of the
85 formation of such district, the court shall enter its decree of
86 incorporation, setting forth the boundaries of the proposed district as
87 determined by the court under the hearing. The decree shall further
88 contain an appointment of five voters from the district to constitute the
89 first board of trustees of the district. The court shall designate such
90 trustees to staggered terms from one to five years such that one
91 director is appointed or elected each year. The trustees appointed by
92 the court shall serve for the terms designated and until their successors
93 have been appointed or elected as provided in section 204.610. The
94 decree shall further designate the name of the district by which it shall
95 officially be known.

96 6. The decree of incorporation shall not become final and
97 conclusive until it is submitted to the voters residing within the
98 boundaries described in such decree and until it is assented to by a
99 majority of the voters as provided in subsection 9 of this section or by
100 two-thirds of the voters of the district voting on the proposition. The
101 decree shall provide for the submission of the question and shall fix the
102 date of submission. The returns shall be certified by the election
103 authority to the circuit court having jurisdiction in the case, and the
104 court shall enter its order canvassing the returns and declaring the

105 result of such election.

106 7. If a majority of the voters of the district voting on such
107 proposition approve of the proposition, then the court shall, in such
108 order declaring the result of the election, enter a further order
109 declaring the decree of incorporation to be final and conclusive. In the
110 event, however, that the court should find that the question had not
111 been assented to by the majority required in this section, the court
112 shall enter a further order declaring such decree of incorporation to be
113 void. No appeal shall be permitted from any such decree of
114 incorporation nor from any of the aforesaid orders. In the event that
115 the court declares the decree of incorporation to be final, the clerk of
116 the circuit court shall file certified copies of such decree of
117 incorporation and of such final order with the secretary of state of the
118 state of Missouri, with the recorder of deeds of the county or counties
119 in which the district is situated, and with the clerk of the county
120 commission of the county or counties in which the district is situated.

121 8. The costs incurred in the formation of the district shall be
122 taxed to the district, if the district is incorporated; otherwise the costs
123 shall be paid by the petitioners.

124 9. If petitioners seeking formation of a reorganized common
125 sewer district specify in their petition that the district to be organized
126 shall be organized without authority to issue general obligation bonds,
127 then the decree relating to the formation of the district shall recite that
128 the district shall not have authority to issue general obligation
129 bonds. The vote required for such a decree of incorporation to become
130 final and conclusive shall be a simple majority of the voters of the
131 district.

132 10. Once a reorganized sewer district is established, the
133 boundaries of the reorganized sewer district may be extended or
134 enlarged from time to time upon the filing, with the clerk of the circuit
135 court having jurisdiction, of a petition by either:

136 (1) The board of trustees of the reorganized sewer district and
137 five or more voters or landowners within the territory proposed to be
138 added to the district; or

139 (2) The board of trustees and a majority of the landowners
140 within the territory that is proposed to be added to the reorganized
141 sewer district.

142 If the petition is filed by a majority of the voters or landowners within
143 the territory proposed to be added to the reorganized sewer district,
144 the publication of notice shall not be required, provided notice is
145 posted in three public places within such territory at least seven days
146 before the date of the hearing, and provided that there is sworn
147 testimony by at least five landowners in such territory, or a majority
148 of the landowners if the total landowners in the area are fewer than
149 ten. Otherwise the procedures for notice substantially shall follow the
150 procedures in subsection 2 of this section for formation. Territory
151 proposed to be added to the reorganized sewer district may be either
152 contiguous or reasonably close to the boundaries of the existing
153 district, provided that it shall not include any territory within the
154 corporate boundaries of any sewer district then existing or within the
155 certificated boundaries then existing of any sewer corporation
156 providing service under a certificate of convenience and necessity
157 granted by the public service commission. Upon the entry of a final
158 judgment declaring the court's decree of territory proposed to be added
159 to the reorganized sewer district to be final and conclusive, the court
160 shall modify or rearrange the boundary lines of the reorganized sewer
161 district as may be necessary or advisable. The costs incurred in the
162 enlargement or extension of the district shall be taxed to the district,
163 if the district is enlarged or extended. Otherwise, such costs shall be
164 paid by the petitioners. However, no costs shall be taxed to the
165 trustees of the district.

166 11. Should any landowner who owns real estate that is not within
167 the certificated boundaries of any sewer corporation providing service
168 under a certificate of convenience and necessity granted by the public
169 service commission or within another sewer district organized under
170 this chapter or chapters 249 or 247, RSMo, or under the Missouri
171 Constitution, but that is contiguous or reasonably close to the existing
172 boundaries of the reorganized sewer district, desire to have such real
173 estate incorporated in the district, the landowner shall first petition
174 the board of trustees for its approval. If such approval is granted, the
175 secretary of the board shall endorse a certificate of the board's
176 approval of the petition. The petition so endorsed shall be filed with
177 the clerk of the circuit court in which the reorganized sewer district is
178 incorporated. It then shall be the duty of the court to amend the

179 boundaries of such district by a decree incorporating the real estate.
180 A certified copy of this amended decree including the real estate in the
181 district then shall be filed in the office of the recorder, in the office of
182 the county clerk of the county in which the real estate is located, and
183 in the office of the secretary of state. The costs of this proceeding shall
184 be borne by the petitioning property owner.

185 12. The board of trustees of any reorganized common sewer
186 district may petition the circuit court of the county containing the
187 majority of the acreage in the district for an amended decree of
188 incorporation to allow that district to engage in the construction,
189 maintenance, and operation of water supply and distribution facilities
190 that serve ten or more separate properties located wholly within the
191 district, are not served by another political subdivision, or are not
192 located within the certificated area of a water corporation as defined
193 in chapter 386, RSMo, or within a public water supply district as
194 defined in chapter 247, RSMo, and the operation and maintenance of all
195 such existing water supply facilities. The petition shall be filed by the
196 board of trustees, and all proceedings shall be in substantially the same
197 manner as in action for initial formation of a reorganized common
198 sewer district, except that no vote of the residents of the district shall
199 be required. All applicable provisions of this chapter shall apply to the
200 construction, operation, and maintenance of water supply facilities in
201 the same manner as they apply to like functions relating to sewer
202 treatment facilities.

204.604. 1. Any existing common sewer district organized and
2 existing under sections 204.250 to 204.270, and any sewer district
3 organized and existing under chapter 249, RSMo, may establish itself
4 as a reorganized common sewer district under sections 204.600 to
5 204.640 by first filing a petition with the county commission of the
6 county or counties in which it was established to approve its
7 reorganization under sections 204.600 to 204.640 if the governing body
8 of the district has by resolution determined that it is in the best
9 interest of the district to reorganize under sections 204.600 to
10 204.640. The petition shall be ruled on by that county commission, or
11 each county commission if the district exists in more than one county,
12 within thirty days from the date of hearing the petition. If the petition
13 for the reorganized district is rejected by the county commission or any

14 county commissions in districts existing in more than one county, no
15 further action on the reorganized district shall take place before the
16 county commission or commissions comprising the district or the
17 circuit having jurisdiction over the district court. If approved by the
18 county commission, or each county commission if the district exists in
19 more than one county, such petition shall specify whether the board of
20 trustees shall be appointed by the governing body of the county or
21 elected by the voters of the district. Such petition shall be
22 accompanied by a cash deposit of fifty dollars as an advancement of the
23 costs of the proceeding, and the petition shall be signed by the trustees
24 of the district and shall request the conversion of the district into a
25 reorganized common sewer district.

26 2. Upon filing, the petition shall be presented to the circuit
27 court, and such court shall fix a date for a hearing on the petition. The
28 clerk of the court shall give notice of the filing of the petition in some
29 newspaper of general circulation within the existing district or closest
30 to the existing district if there is no newspaper of general circulation
31 within the existing district. If the existing district extends into any
32 other county, such notice also shall be published in some newspaper of
33 general circulation in such other county. The notice shall contain a
34 description of the boundary lines of the existing district and the
35 general purposes of the petition. The notice shall set forth the date
36 fixed for the hearing on the petition, which shall not be less than
37 fifteen nor more than twenty-one days after the date of the last
38 publication of the notice and shall be on some regular judicial day of
39 the court where the petition is pending. Such notice shall be signed by
40 the clerk of the circuit court and shall be published in a newspaper of
41 general circulation.

42 3. The court, for good cause shown, may continue the case or the
43 hearing from time to time until final disposition.

44 4. Exceptions to the conversion of an existing district to a
45 reorganized common sewer district may be made by any voter or
46 property owner within the proposed district, provided that such
47 exceptions are filed not less than five days prior to the date set for the
48 hearing on the petition. Such exceptions shall specify the grounds
49 upon which the exceptions are being made. If any such exceptions are
50 filed, the court shall take them into consideration and shall consider

51 the evidence in support of the petition and in support of the exceptions
52 made. Should the court find that it would not be in the public interest
53 to form such a district, the petition shall be dismissed at the cost of the
54 petitioners. If the court finds that the conversion of the district to a
55 reorganized common sewer district under sections 204.600 to 204.640 is
56 in the best interests of the persons served by the existing district, then
57 the court shall order the district's decree of incorporation amended to
58 permit reorganization under sections 204.600 to 204.640. The existing
59 board of trustees for such district shall continue to serve the
60 reorganized common sewer district until such time as new trustees
61 shall be appointed or elected as provided for in the court's decree. If
62 their original terms of office are not so designated, the court shall
63 designate such trustees to staggered terms from one to five years, so
64 that one trustee is appointed or elected each year. The trustees
65 appointed by the court shall serve for the terms designated and until
66 their successors are appointed or elected as provided in section
67 204.610. The decree shall further designate the name of the district by
68 which it officially shall be known.

204.606. The bonded indebtedness or security interest of any
2 creditor of any common sewer district originally organized and existing
3 under sections 204.250 to 204.270 and any sewer district originally
4 organized and existing under chapter 249, RSMo, that convert to a
5 reorganized common sewer district shall not be impaired or affected by
6 such conversion, and all covenants and obligations of such
7 indebtedness shall remain in full force and effect, payable under the
8 terms and conditions that existed without conversion.

204.608. 1. When a decree or amended decree of incorporation
2 is issued as provided for in sections 204.600 to 204.640, a reorganized
3 common sewer district shall be considered in law and equity a body
4 corporate and politic and political subdivision of this state, known by
5 the name specified in the court's decree, and by that name and style
6 may sue and be sued, contract and be contracted with, acquire and hold
7 real estate and personal property necessary for corporate purposes,
8 and adopt a common seal. A reorganized common sewer district also
9 shall have exclusive jurisdiction and authority to provide wastewater
10 collection and treatment services within the boundaries of the district
11 with respect to any wastewater service provider authorized to provide

12 sewer services under the laws of this state, except for sewer
13 corporations providing service under a certificate of convenience and
14 necessity granted by the public service commission.

15 2. All courts in this state shall take judicial notice of the
16 existence of any district organized under sections 204.600 to 204.640.

204.610. 1. There shall be five trustees, appointed or elected as
2 provided for in the circuit court decree or amended decree of
3 incorporation for a reorganized common sewer district, who shall
4 reside within the boundaries of the district. Each trustee shall be a
5 voter of the district and shall have resided in said district for twelve
6 months immediately prior to the trustee's election or appointment. A
7 trustee shall be at least twenty-five years of age and shall not be
8 delinquent in the payment of taxes at the time of the trustee's election
9 or appointment. Regardless of whether or not the trustees are elected
10 or appointed, in the event the district extends into any county
11 bordering the county in which the greater portion of the district lies,
12 the presiding commissioner or other chief executive officer of the
13 adjoining county shall be an additional member of the board of
14 trustees, or the governing body of such bordering county may appoint
15 a citizen from such county to serve as an additional member of the
16 board of trustees. Said additional trustee shall meet the qualifications
17 set forth in this section for a trustee.

18 2. The trustees shall receive no compensation for their services
19 but may be compensated for reasonable expenses normally incurred in
20 the performance of their duties. The board of trustees may employ and
21 fix the compensation of such staff as may be necessary to discharge the
22 business and purposes of the district, including clerks, attorneys,
23 administrative assistants, and any other necessary personnel. The
24 board of trustees may employ and fix the duties and compensation of
25 an administrator for the district. The administrator shall be the chief
26 executive officer of the district subject to the supervision and direction
27 of the board of trustees. The administrator of the district may, with the
28 approval of the board of trustees, retain consulting engineers for the
29 district under such terms and conditions as may be necessary to
30 discharge the business and purposes of the district.

31 3. Except as provided in subsection 1 of this section, the term of
32 office of a trustee shall be five years. The remaining trustees shall

33 appoint a person qualified under this section to fill any vacancy on the
34 board. The initial trustees appointed by the circuit court shall serve
35 until the first Tuesday after the first Monday in June or until the first
36 Tuesday after the first Monday in April, depending upon the resolution
37 of the trustees. In the event that the trustees are elected, said elections
38 shall be conducted by the appropriate election authority under chapter
39 115, RSMo. Otherwise, trustees shall be appointed by the county
40 commission in accordance with the qualifications set forth in
41 subsection 1 of this section.

42 4. Notwithstanding any other provision of law, if there is only
43 one candidate for the post of trustee, then no election shall be held, and
44 the candidate shall assume the responsibilities of office at the same
45 time and in the same manner as if elected. If there is no candidate for
46 the post of trustee, then no election shall be held for that post and it
47 shall be considered vacant, to be filled under the provisions of
48 subsection 3 of this section.

204.612. The board of trustees of a reorganized common sewer
2 district shall have no power to levy or collect any taxes for the payment
3 of any general obligation bond indebtedness incurred by the
4 reorganized common sewer district unless the voters of the reorganized
5 common sewer district authorizes the board to incur indebtedness at
6 an election. All expenses and indebtedness incurred by the reorganized
7 common sewer district may be paid from funds that may be received by
8 the reorganized common sewer district from the sale of bonds
9 authorized by the voters of the reorganized common sewer district.

204.614. 1. Such bonds shall be signed by the president of the
2 board of trustees and attested by the signature of the secretary of the
3 board of trustees with the seal of the district affixed, if the district has
4 a seal. The interest coupons may be executed by affixing the facsimile
5 signature of the secretary of the district.

6 2. The moneys of the reorganized common sewer district shall be
7 deposited by the treasurer of the reorganized common sewer district
8 in such bank or banks as shall be designated by order of the board of
9 trustees. The secretary of the reorganized common sewer district shall
10 charge the treasurer, and the moneys shall be drawn from the treasury
11 upon checks or warrants issued by the reorganized common sewer
12 district for the purposes for which the bonds were issued.

204.616. 1. The board of trustees of any reorganized common sewer district shall have power to pass all necessary rules and regulations for the proper management and conduct of the business of the board of trustees and the district, and for carrying into effect the objectives for which the reorganized common sewer district is formed.

2. The board of trustees of a reorganized common sewer district, subject to compliance with the exercise of lawful authority granted to or rules adopted by the clean water commission under section 644.026, RSMo, may exercise primary authority to adopt, modify, and repeal, and to administer and enforce rules and regulations with respect to:

(1) The establishment, construction, reconstruction, improvement, repair, operation, and maintenance of its sewer systems and treatment facilities;

(2) Industrial users discharging into its sewer systems or treatment facilities;

(3) The establishment, operation, administration, and enforcement of a publicly owned treatment works pretreatment program consistent with state and federal pretreatment standards, including inspection, monitoring, sampling, permitting, and reporting programs and activities.

The board of trustees may, in addition to any pretreatment standards imposed under this section, require of any user of its treatment facilities such other pretreatment of industrial wastes as it deems necessary to adequately treat such wastes.

3. The rules and regulations adopted by the board of trustees under subsection 2 of this section shall be applicable and enforceable by civil, administrative, or other actions within any territory served by its sewer systems or treatment facilities and against any municipality, subdistrict, district, or industrial user who shall directly or indirectly discharge sewage or permit discharge of sewage into the district's sewer system or treatment facilities.

4. The authority granted to the board by this section is in addition to and not in derogation of any other authority granted under the constitution and laws of Missouri, any federal water pollution control act, or the rules of any agency of federal or state government.

5. The term "industrial user", as used in this section, shall mean any nondomestic source of discharge or indirect discharge into the

38 district's wastewater system that is regulated under section 307(b), (c),
39 or (d) of the Clean Water Act, or any source listed in division A, B, D,
40 E, or I of the Standard Industrial Classification Manual, or any solid
41 waste disposal operation such as, but not limited to, landfills, recycling
42 facilities, solid or hazardous waste handling or disposal facilities, and
43 facilities that store or treat aqueous wastes as generated by facilities
44 not located on site and that dispose of these wastes by discharging
45 them into the district's wastewater system.

204.618. 1. It shall be the duty of the board of trustees of a
2 reorganized common sewer district to make the necessary surveys and
3 to lay out and define the general plan for the construction and
4 acquisition of land, rights-of-way, and necessary sewers and treatment
5 facilities, and of any extensions, expansions, or improvements within
6 the district.

7 2. The board of trustees of a reorganized common sewer district
8 may enter into agreements with each municipality, subdistrict, private
9 district, sewer corporation, or any industrial user that discharges
10 sewage into trunk sewers, streams, or the treatment facilities of the
11 reorganized common sewer district concerning the locations and the
12 manner in which sewage may be discharged into the district system or
13 streams within the district and concerning the permissible content of
14 acid wastes, alkaline wastes, poisonous wastes, oils, grit, or other
15 wastes that might be hazardous or detrimental to the system. If no
16 agreement is obtained with regard to any such matter, the trustees
17 shall refer the dispute to the clean water commission. The
18 determination of the commission shall be binding upon the district,
19 municipality, subdistrict, sewer corporation, or private district. Each
20 municipality, subdistrict, sewer corporation, or private district shall
21 control the discharge of wastes into its collection sewers to the extent
22 necessary to comply with the agreement or the determination of the
23 clean water commission. The board of trustees of a reorganized
24 common sewer district or the governing body of any municipality,
25 subdistrict, private district, sewer corporation, or industrial user
26 discharging sewage into the stream or the system may petition the
27 circuit court that decreed the incorporation of the district for an order
28 enforcing compliance with any provision of such an agreement or
29 determination. That circuit court shall have jurisdiction in all cases or

30 questions arising out of the organization or operations of the district,
31 or from the acts of the board of trustees.

32 3. The board of trustees may contract with each participating
33 community for the payment of its proportionate share of treatment
34 costs.

35 4. The board of trustees may contract with public agencies,
36 individuals, private corporations, sewer corporation, and political
37 subdivisions inside and outside the reorganized common sewer district
38 to permit them to connect with and use the district's facilities
39 according to such terms, conditions, and rates as the board determines
40 are in the interest of the district and regardless of whether such
41 agencies, individuals, corporations, sewer corporations, and
42 subdivisions are in the same natural drainage area or basins as the
43 district. However, if such an area is located within the boundaries of
44 an existing common sewer district or reorganized common sewer
45 district organized and existing under this chapter, a sewer district
46 organized and existing under chapter 249, RSMo, a public water supply
47 district organized under chapter 247, RSMo, or a sewer corporation, the
48 board of trustees must give written notice to said district or sewer
49 corporation before such a contract is entered into, and the district or
50 sewer corporation must consent to said contract.

51 5. The board of trustees may refuse to receive any wastes into
52 the sewage system that do not meet relevant state or federal water
53 pollution, solid waste, or pretreatment standards.

54 6. The board of trustees shall have all of the powers necessary
55 and convenient to provide for the operation, maintenance,
56 administration, and regulation, including the adoption of rules and
57 regulations, of any individual home sewage or business treatment
58 systems within the jurisdiction of the common sewer district.

59 7. The board of trustees shall have all of the powers necessary
60 and convenient to provide for the operation and maintenance of its
61 treatment facilities and the administration, regulation, and
62 enforcement of its pretreatment program, including the adoption of
63 rules and regulations to carry out its powers with respect to all
64 municipalities, subdistricts, districts, sewer corporations, and
65 industrial users that discharge into the collection system of the
66 district's sewer system or treatment facilities. These powers include,

67 but are not limited to:

- 68 (1) The promulgation of any rule, regulation, or ordinance;
69 (2) The issuance, modification, or revocation of any order;
70 (3) The issuance, modification, or revocation of any permit;
71 (4) Commencing an action through counsel for appropriate legal
72 or equitable relief in the circuit court that decreed the district's
73 incorporation against any industrial user in violation of the district's
74 rules, regulations, and ordinances or any permit or order issued.

75 8. The board of trustees may adopt rules and regulations
76 creating procedural remedies for all persons affected by any order or
77 permit issued, modified, or revoked by the board including but not
78 limited to the grant of reasonable time periods for such persons to
79 respond and to show cause.

80 9. Whenever any reference is made in this section to any action
81 that may be taken by the board of trustees, such reference includes
82 such action by its executive officer under powers and duties delegated
83 to such executive officer by the board of trustees.

204.620. 1. The board of trustees may acquire by purchase, gift,
2 or condemnation or may lease or rent any real or personal property,
3 and when condemnation is used, shall follow the procedure that is
4 provided by chapter 523, RSMo. All the powers may be exercised both
5 within or without the district as may be necessary to exercise its
6 powers or accomplish its purposes. The board of trustees also shall
7 have the same authority to enter upon private lands to survey land or
8 other property before exercise of the above condemnation powers, as
9 granted under section 388.210, RSMo, to railroad corporations.

10 2. The board of trustees of the reorganized common sewer
11 district, if it is necessary to cross, follow, or traverse public streets,
12 roads, alleys, or grounds held or used as public parks or places, shall
13 have the right to do so upon the following conditions: the board of
14 trustees shall file with the county commission or mayor of the
15 municipality having immediate jurisdiction over the street, road, alley,
16 or public park or place, a map showing the location and extent of the
17 proposed occupancy for sewerage purposes and a plan of the proposed
18 facilities, which plan shall be so made and arranged as not to interfere
19 with the ordinary and lawful use of the street, road, alley, public park,
20 or place, except during a reasonable time for the construction of the

21 necessary works.

22 3. The entire expense of the works and restoration of the ground
23 occupied to its former condition, as near as may be, shall be borne by
24 the reorganized common sewer district.

204.622. 1. The board of trustees for the reorganized common
2 sewer district shall let contracts for the construction of sewers and
3 sewage treatment plants that will cost more than twenty-five thousand
4 dollars, except in case of repairs or emergencies requiring prompt
5 attention. Notice of the contract bid process shall be published in a
6 newspaper of general circulation in the district. The board shall select
7 the lowest responsible bidder in no less than twenty days following
8 such publication. The board shall have the power and authority to
9 reject any and all bids and readvertise the work.

10 2. The board of trustees also shall have the power to enter into
11 agreements with persons or firms to provide professional services to
12 the board, and the board shall adopt policies for procuring the services
13 of such professionals. The provisions of sections 8.285 to 8.291, RSMo,
14 shall be applicable to the services of architects, engineers, and land
15 surveyors unless the board of trustees adopts a formal procedure for
16 the procurement of such services.

204.624. The cost of any reorganized common sewer district to
2 acquire, construct, improve, or extend a sewerage system may be met:

3 (1) Through the expenditures by the common sewer district of
4 any funds available for that purpose, including temporary or interim
5 financing funds obtained through any federal or state loan program or
6 from a local lending institution;

7 (2) From any other funds that may be obtained under any law of
8 the state or of the United States or from any county or municipality for
9 that purpose;

10 (3) From the proceeds of revenue bonds of the common sewer
11 district, payable solely from the revenues to be derived from the
12 operation of such sewerage system or from any combination of all the
13 methods of providing funds;

14 (4) From the proceeds of general obligation bonds of the
15 reorganized common sewer district, payable solely from voter-approved
16 property taxes as provided for by law;

17 (5) From the proceeds of special obligation bonds of the

18 reorganized common sewer district, payable solely from special fees or
19 other revenues received by the district pledged for the purposes of
20 payment of such bonds; or

21 (6) From the proceeds of user fees, charges, or other imposition
22 for facilities and services provided by the district to its customers and
23 users or the availability of services provided to persons, users, and
24 customers within the district or who otherwise benefit from services
25 provided by the district.

204.626. 1. A reorganized common sewer district may issue
2 revenue bonds authorized by authority of a resolution adopted by the
3 board of trustees of the reorganized common sewer district unless, in
4 addition, the decree or amended decree of incorporation shall require
5 any such bonds to be approved by the voters of the district after an
6 election called for that purpose. The resolution shall recite that an
7 estimate of the cost of the proposed acquisition, construction,
8 improvement, extension, or other project has been made and shall set
9 out the estimated cost. It shall set out the amount of the bonds
10 proposed to be issued, their purposes, their dates, denominations, rates
11 of interest, times of payment, both of principal and of interest, places
12 of payment, and all other details in connection with the bonds.

13 2. The bonds may be subject to such provision for redemption
14 prior to maturity, with or without premium, and at such times and
15 upon such conditions as may be provided by the board of trustees of
16 the common sewer district.

17 3. The bonds shall bear interest at a rate in accordance with
18 section 108.170, RSMo, and shall mature over a period not exceeding
19 thirty-five years from the date thereof.

20 4. The bonds may be payable to bearer, may be registered or
21 coupon bonds, and if payable to bearer may contain such registration
22 privileges as to either principal and interest, or principal only, as may
23 be provided in the resolution authorizing the bonds.

24 5. The bonds and the coupons to be attached thereto, if any, shall
25 be signed in such manner and by such officers as may be directed by
26 resolution. Bonds signed by an officer who shall hold the office at the
27 time the bonds are signed shall be deemed validly and effectually
28 signed for all purposes, regardless of whether or not any officer shall
29 cease to hold his office prior to the delivery of the bonds and

30 regardless of whether or not any officer shall have held or shall not
31 have held such office on the date ascribed to the bonds.

32 6. The bonds shall be sold in such manner and upon such terms
33 as the board of trustees of the reorganized common sewer district shall
34 determine, subject to the provisions of section 108.170, RSMo. The
35 resolution may provide that certain bonds authorized shall be junior
36 or subordinate in any or all respects to other revenue bonds authorized
37 concurrently with, prior to, or after such bonds.

204.628. Any user fees or charges, connection fees, or other
2 charges levied by the reorganized common sewer district to fund its
3 general or special operations, maintenance, or payment of bonded
4 indebtedness or other indebtedness shall be due at such time or times
5 as specified by the reorganized common sewer district, and shall, if not
6 paid by the due date, become delinquent and shall bear interest from
7 the date of delinquency until paid. In addition to and consistent with
8 any other provision of applicable law, if such fees or charges or other
9 amounts due become delinquent, there shall be a lien upon the land,
10 and a notice of delinquency shall be filed with the recorder of deeds in
11 the county where the land is situated. The reorganized common sewer
12 district shall file with the recorder of deeds a similar notice of
13 satisfaction of debt when the delinquent amounts, plus interest and any
14 recording fees or attorneys' fees, have been paid in full. The lien
15 created may be enforced by foreclosure by power of sale vested in the
16 reorganized common sewer district if the reorganized common sewer
17 district adopts written rules for the exercise of power of sale consistent
18 with the provisions of sections 443.290 to 443.325, RSMo, which are
19 recorded in the land records of the office of the recorder of deeds in
20 each county in which the district is located. Otherwise, such lien shall
21 be enforced by suit in the circuit court having jurisdiction against the
22 property subject to the lien for judicial foreclosure and sale by special
23 execution. Such suit may include a request for judgment against the
24 persons responsible for payment of such delinquency as well as the
25 person or persons owning the property to which services were
26 provided, if different, including post-sale deficiency, and as a part of
27 the relief, may include award of the district's reasonable attorney's
28 fees, court costs, and other expenses reasonably incurred by the district
29 for collection.

204.630. It shall be the mandatory duty of any reorganized
2 common sewer district issuing any general or special revenue bonds
3 under sections 204.600 to 204.640 to:

4 (1) Fix and maintain rates and make and collect charges for the
5 use and services of the system, for the benefit of which revenue bonds
6 were issued, sufficient to pay the cost of maintenance and operation;

7 (2) Pay the principal of and the interest on all revenue bonds
8 issued by the reorganized common sewer district chargeable to the
9 revenues of the system; and

10 (3) Provide funds ample to meet all valid and reasonable
11 requirements of the resolution by which the revenue bonds have been
12 issued.

13 From time to time, the rates shall be revised to meet fully the
14 requirements of sections 204.600 to 204.640. As long as any bond issued
15 or the interest thereon shall remain outstanding and unpaid, rates and
16 charges sufficient to meet the requirements of this section shall be
17 maintained and collected by the reorganized common sewer district
18 that issued the bonds.

204.632. 1. Whenever any reorganized common sewer district
2 authorizes and issues revenue bonds under sections 204.600 to 204.640,
3 an amount sufficient for the purpose of the net revenues of the
4 sewerage system for the benefit of which the bonds are issued shall, by
5 operation of sections 204.600 to 204.640, be pledged to the payment of
6 the principal of and the interest on the bonds as the same shall mature
7 and accrue.

8 2. The term "net revenues" means all income and revenues
9 derived from the ownership and operation of the system less the actual
10 and necessary expenses of operation and maintenance of the system.

11 3. It shall be the mandatory duty of the treasurer of the
12 reorganized common sewer district to provide for the prompt payment
13 of the principal and interest on any revenue bonds as they mature and
14 accrue.

204.634. 1. The resolution of the board of trustees of the
2 reorganized common sewer district authorizing the issuance of revenue
3 bonds under the authority of sections 204.600 to 204.640 may provide
4 that periodic allocations of the revenues to be derived from the
5 operation of the system for the benefit of which the bonds are issued

6 shall be made into such accounts, separate and apart from any other
7 accounts of the district, as shall be deemed to be advisable to assure
8 the proper operation and maintenance of the system and the prompt
9 payment of the indebtedness chargeable to the revenues of the
10 system. The accounts may include, but shall not be limited to:

11 (1) An account to provide funds to operate and maintain the
12 system;

13 (2) An account to provide funds to pay principal and interest on
14 the bonds as they come due;

15 (3) An account to provide an adequate reserve for depreciation,
16 to be expended for replacements of the system;

17 (4) An account for the accumulation of a reserve to assure the
18 prompt payment of the bonds and the interest whenever and to the
19 extent that other funds are not available for that purpose;

20 (5) An account to provide funds for contingent expenses in the
21 operation of the system;

22 (6) An account to provide for the accumulation of funds for the
23 construction of extensions and improvements to the system; and

24 (7) Such other accounts as may be desirable in the judgment of
25 the board of trustees.

26 2. The resolution also may establish such limitations as may be
27 expedient upon the issuance of additional bonds, payable from the
28 revenues of the system, or upon the rights of the holders of such
29 additional bonds. Such resolution may include other agreements with
30 the holders of the bonds or covenants or restrictions necessary or
31 desirable to safeguard the interests of the bondholder and to secure the
32 payment of the bonds and the interest thereon.

204.636. For the purpose of refunding, extending, and unifying
2 the whole or any part of any valid outstanding bonded indebtedness
3 payable from the revenues of a sewerage system, any reorganized
4 common sewer district may issue refunding bonds not exceeding in
5 amount the principal of the outstanding indebtedness to be refunded
6 and the accrued interest to the date of the refunding bonds. The board
7 of trustees of the reorganized common sewer district shall provide for
8 the payment of interest which shall not exceed the same rate and the
9 principal of the refunding bonds in the same manner and from the same
10 source as was provided for the payment of interest on and principal of

11 the bonds to be refunded.

204.638. The board of trustees of the reorganized common sewer district may apply for and accept grants or funds and material or labor from the state and federal government in the construction of a sewerage system, as provided by sections 204.600 to 204.640, and may enter into such agreements as may be required of the state or federal laws, or the rules and regulations of any federal or state department, to which the application is made, and where the assistance is granted.

204.640. It shall be the duty of the mayors of cities, the circuit court, the governing bodies of counties, all political subdivisions, and all assessors, sheriffs, collectors, treasurers, and other officials in the state of Missouri to do and perform all the acts and to render all the services necessary to carry out the purposes of sections 204.600 to 204.640.

204.650. Sections 204.650 to 204.672 shall be known and may be cited as the "Sanitary Sewer Improvement Area Act", and the following words and terms, as used in these sections, mean:

(1) "Acquire", the acquisition of property or interests in property by purchase, gift, condemnation, or other lawful means and may include the acquisition of existing property and improvements already owned by the district;

(2) "Assess or assessment", a unit of measure to allocate the cost of an improvement among property or properties within a sanitary sewer improvement area based on an equitable method of determining benefits to any such property resulting from an improvement;

(3) "Consultant", engineers, architects, planners, attorneys, financial advisors, accountants, investment bankers, and other persons deemed competent to advise and assist the governing body of the district in planning and making improvements;

(4) "Cost", all costs incurred in connection with an improvement, including but not limited to costs incurred for the preparation of preliminary reports, preparation of plans and specifications, preparation and publication of notices of hearings, resolutions, ordinances, and other proceedings, fees, and expenses of consultants, interest accrued on borrowed money during the period of construction, underwriting costs, and other costs incurred in connection with the issuance of bonds or notes, establishment of reasonably required

24 reserve funds for bonds or notes, the cost of land, materials, labor, and
25 other lawful expenses incurred in planning, acquiring, and doing any
26 improvement, reasonable construction contingencies, and work done or
27 services performed by the district in the administration and
28 supervision of the improvement;

29 (5) "District or common sewer district", any public sanitary sewer
30 district or reorganized common sewer district established and existing
31 under this chapter or chapter 249, RSMo, and any metropolitan sewer
32 district organized under the constitution of this state;

33 (6) "Improve", to construct, reconstruct, maintain, restore,
34 replace, renew, repair, install, equip, extend, or to otherwise perform
35 any work that will provide a new sanitary sewer facility or enhance,
36 extend, or restore the value or utility of an existing sanitary sewer
37 facility;

38 (7) "Improvement", any one or more sanitary sewer facilities or
39 improvements that confer a benefit on property within a definable area
40 and may include or consist of a reimprovement of a prior
41 improvement. Improvements include but are not limited to the
42 following activities:

43 (a) To acquire property or interests in property when necessary
44 or desirable for any purpose authorized by sections 204.650 to 204.672;

45 (b) To improve sanitary sewers, wastewater treatment plants,
46 lagoons, septic tanks and systems, and any and all other sanitary sewer
47 and waste water collection and treatment systems of any type, whether
48 located on improved or unimproved public or private property, the
49 general object and nature of which will either preserve, maintain,
50 improve, or promote the general public health, safety, and welfare, or
51 the environment, regardless of technology used;

52 (8) "Sanitary sewer improvement area", an area of a district with
53 defined limits and boundaries that is created by petition under sections
54 204.650 to 204.672 and that is benefitted by an improvement and subject
55 to assessments against the real property for the cost of the
56 improvement, provided that no such improvement area shall include
57 any real property within the certificated boundaries of any sewer
58 corporation providing service under a certificate of convenience and
59 necessity granted by the public service commission;

60 (9) "User fee", a fee established and imposed by a district to pay

61 an assessment, in periodic installments, for improvements made in a
62 sanitary sewer improvement area that benefit the property within such
63 area that is subject to the assessment.

204.652. As an alternative to all other methods provided by law
2 or charter, the governing body of any sewer district or reorganized
3 sewer district organized and operated under this chapter or chapter
4 249, RSMo, or any metropolitan sewer district organized under the
5 constitution of this state, may make, or cause to be made,
6 improvements that confer a benefit upon property within a sanitary
7 sewer improvement area under sections 204.650 to 204.672. The
8 governing body of such district may issue temporary notes and revenue
9 bonds under sections 204.650 to 204.672 to pay for all or part of the cost
10 of such improvements. An improvement may be combined with one or
11 more other improvements for the purpose of issuing a single series of
12 revenue bonds to pay all or part of the cost of the sanitary sewer
13 improvement area's improvements, but separate funds or accounts shall
14 be established within the records of the district for each improvement
15 project as provided in sections 204.650 to 204.672. Such district shall
16 make assessments and may impose user fees on the property located
17 within the sanitary sewer improvement area, in addition to any other
18 fees or charges imposed by the district to provide services or pay
19 debt. The district shall use the moneys collected from such assessments
20 and user fees from a sanitary sewer improvement area to reimburse the
21 district for all amounts paid or to be paid by it as principal of and
22 interest on its temporary notes and revenue bonds issued for the
23 improvements made in the sanitary sewer improvement area.

204.654. 1. To establish a sanitary sewer improvement area, the
2 governing body of the sewer district shall comply with the following
3 procedure: the governing body of the district may create a sanitary
4 sewer improvement area when a proper petition has been signed by the
5 owners of record of four-sevenths of the property within the proposed
6 sanitary sewer improvement area. The petition, in order to become
7 effective, shall be filed with the district. A proper petition for the
8 creation of a sanitary sewer improvement area shall set forth the
9 project name for the proposed improvement, the general nature of the
10 proposed improvement, the estimated cost of such improvement, the
11 boundaries of the proposed sanitary sewer improvement area, the

12 proposed method or methods of financing the project, including the
13 estimated amount of and method for imposing user fees against the real
14 property within the sanitary sewer improvement area to pay for the
15 cost of the improvements and any bonds issued, a notice that the names
16 of the signers may not be withdrawn later than seven days after the
17 petition is filed with the district, and a notice that the final cost of such
18 improvement and the amount of revenue bonds issued shall not exceed
19 the estimated cost of such improvement, as stated in such petition, by
20 more than twenty-five percent.

21 2. Upon filing a proper petition with the district, the governing
22 body may, by resolution, determine the advisability of the improvement
23 and may order that the area be established and that preliminary plans
24 and specifications for the improvement be made. Such resolution shall
25 state and make findings as to the project name for the proposed
26 improvement, the nature of the improvement, the estimated cost of
27 such improvement, the boundaries of the sanitary sewer improvement
28 area, the proposed method or methods of imposing assessments and, if
29 known, proposed estimated user fees within the district. The resolution
30 also shall state that the final cost of such improvement within the
31 sanitary sewer improvement area and the amount of revenue bonds
32 issued shall not, without a new petition, exceed the estimated cost of
33 such improvement by more than twenty-five percent.

34 3. The boundaries of the proposed area shall be described by
35 bounds, streets, or other sufficiently specific description.

204.656. The portion of the cost of any improvement to be
2 assessed or imposed against the real property in a sanitary sewer
3 improvement area shall be apportioned against such property in
4 accordance with the benefits accruing by reason of such
5 improvement. Subject to the provisions of the farmland protection act,
6 sections 262.800 to 262.810, RSMo, the cost may be assessed equally by
7 lot or tract against property within the area, or by any other
8 reasonable assessment plan determined by the governing body of the
9 district that results in imposing substantially equal burdens or share
10 of the cost upon property similarly benefited. The governing body of
11 the district may from time to time determine and establish by
12 resolution reasonable general classifications and formula for the
13 methods of assessing or determining the benefits.

204.658. 1. After the governing body has made the findings
2 specified in sections 204.650 to 204.672 and plans and specifications for
3 the proposed improvements have been prepared, the governing body
4 shall by resolution order assessments to be made against each parcel
5 of real property deemed to be benefited by an improvement based on
6 the revised estimated cost of the improvement or, if available, the final
7 cost, and shall order a proposed assessment roll to be prepared.

8 2. The plans and specifications for the improvement and the
9 proposed assessment roll shall be filed with the district and shall be
10 open for public inspection. Such district shall, at the direction of the
11 governing body, publish notice that the governing body will conduct a
12 hearing to consider the proposed improvement and proposed
13 assessments. Such notice shall be published in a newspaper of general
14 circulation at least once not more than twenty days and not less than
15 ten days before the hearing and shall state the project name for the
16 improvement, the date, time, and place of such hearing, the general
17 nature of the improvement, the revised estimated cost or, if available,
18 the final cost of the improvement, the boundaries of the sanitary sewer
19 improvement area to be assessed, and that written or oral objections
20 will be considered at the hearing. Not less than ten days before, the
21 district shall mail to the owners of record of the real property in the
22 sanitary sewer improvement area, at their last known post office
23 address, a notice of the hearing and a statement of the cost proposed
24 to be assessed against the real property so owned and assessed. The
25 failure of any owner to receive such notice shall not invalidate the
26 proceedings.

204.660. 1. At the hearing to consider the proposed
2 improvements and assessments, the governing body shall hear and pass
3 upon all objections to the proposed improvements and proposed
4 assessments, if any, and may amend the proposed improvements, and
5 the plans and specifications, or assessments as to any property, and
6 thereupon by resolution, the governing body shall order that the
7 improvement be made and direct that financing for the cost be obtained
8 as provided in sections 204.650 to 204.672.

9 2. After the improvement has been completed in accordance with
10 the plans and specifications, the governing body shall compute the final
11 costs of the improvement and apportion the costs among the property

12 benefited by such improvement in such equitable manner as the
13 governing body shall determine, charging each tract, lot, or parcel of
14 property with its proportionate share of the costs, and by resolution,
15 assess the final cost of the improvement, or the amount of revenue
16 bonds issued or to be issued to pay for the improvement, as special
17 assessments against the property described in the assessment roll.

18 3. After the passage or adoption of the resolution assessing the
19 special assessments, the district shall mail to each property owner
20 within the district a notice that sets forth a description of each owners
21 tract, lot, or parcel of real property to be assessed, the assessment
22 assigned to such property, and a statement that the property owner
23 may pay such assessment in full, together with interest accrued from
24 the effective date of such resolution, on or before a specified date
25 determined by the effective date of the resolution, or may pay such
26 assessment in the form of user fees in periodic installments as provided
27 in subsection 4 of this section. Notice of each assessment and
28 imposition of the assessment lien, together with a legal description for
29 each property assessed within the area, shall be filed with the recorder
30 of deeds upon the effective date of the resolution. However, failure to
31 record any such notice in a timely manner shall not affect the validity
32 of the assessments or liens. The district shall record written notice of
33 release of lien whenever an assessment is paid in full. The cost of
34 recording assessment notices and release of liens shall be includable in
35 the assessment.

36 4. The special assessments shall be assessed upon the property
37 within the area. Those not paid in full as provided in subsection 3 of
38 this section shall be payable in the form of user fees payable in
39 periodic and substantially equal installments, as determined by the
40 district, for a duration prescribed by the resolution establishing the
41 special assessments. All assessments shall bear interest at such rate as
42 the governing body determines, not to exceed the rate permitted for
43 bonds by section 108.170, RSMo. Interest on the assessment between
44 the effective date of the resolution assessing the special assessments
45 and the date the first installment of a user fee is payable shall be added
46 to the first installment or prorated among all scheduled installments.

47 5. Assessments not paid in full shall be collected and paid over
48 to the district in the form of user fees in the same manner as other

49 district fees and charges are collected and paid, or by any other
50 reasonable method determined by the district.

204.662. No suit to set aside the assessments made under sections
2 204.680 to 204.730, or to otherwise question the validity of the
3 proceedings, shall be brought after the expiration of ninety days from
4 the date the notice is mailed to the last known owners of record of the
5 assessments required by subsection 3 of section 204.660.

204.664. 1. To correct omissions, errors, or mistakes in the
2 original assessment that relate to the total cost of an improvement, the
3 governing body of the district may, without a notice or hearing, make
4 supplemental or additional assessments on property within a sanitary
5 sewer improvement area, except that such supplemental or additional
6 assessments shall not, without a new petition as provided in sections
7 204.650 to 204.672, exceed twenty-five percent of the estimated cost of
8 the improvement as set forth in the petition under the provisions of
9 sections 204.650 to 204.672.

10 2. When an assessment is, for any reason whatsoever, set aside
11 by a court of competent jurisdiction as to any property, or in the event
12 the governing body finds that the assessment or any part thereof is
13 excessive or determines on advice of counsel in writing that it is or
14 may be invalid for any reason, the governing body may, upon notice
15 and hearing as provided for the original assessment, make a
16 reassessment or a new assessment as to such property.

204.666. An assessment authorized under sections 204.650 to
2 204.672, once determined and imposed, shall constitute a lien against
3 such property until paid in full and shall not be affected by the
4 existence or enforcement of any other liens or encumbrances, nor shall
5 enforcement of an assessment lien have any effect on the validity or
6 enforcement of any tax lien or lien established by mortgage or deed of
7 trust. An assessment lien becomes delinquent when an assessment is
8 not paid in full as prescribed by sections 204.650 to 204.672, or when
9 one or more periodic installments imposed by the district for an
10 assessment remain unpaid for a period of thirty days or more after
11 notice of delinquency in payment is mailed to the last known owners
12 of the property subject to assessment by regular United States mail and
13 by certified mail, return receipt requested, at their last known address,
14 provided by such owners to the district and to the occupant of property

15 that is subject to assessment, if different from that of the owners. In
16 the event any such user fee remains unpaid after thirty days of the
17 mailing of any such notice, and in addition to any other remedy the
18 district may have by statute or duly enacted regulation for the
19 collection of delinquent amounts owed to the district, the district shall
20 be entitled to petition the circuit court having jurisdiction to foreclose
21 upon the assessment lien by special execution sale of the property
22 subject to the assessment for the unpaid assessment plus reasonable
23 attorney's fees, court costs, and other reasonable costs incurred by the
24 district in collection. In any such suit, the district shall name all
25 parties appearing of record to have or claim an interest in the property
26 subject to the unpaid assessment and shall file a notice of lis pendens
27 in connection with said action. In addition, the district may obtain a
28 judgment against last known owners of the property for any deficiency
29 in payment of the assessment and costs and fees made a part of the
30 court's judgment.

204.668. After an improvement has been authorized under
2 sections 204.650 to 204.672, the governing body of the district may issue
3 temporary notes of the district to pay the costs of such improvement in
4 an amount not to exceed the estimated cost of such improvement. Such
5 temporary notes may be issued in anticipation of issuance of revenue
6 bonds of the district. The district may participate in any
7 governmentally sponsored bond pooling program or other bond
8 program. Bonds may be issued and made payable from special
9 assessments paid in the form of user fees under subsection 4 of section
10 204.660 and other revenues of the district.

204.670. A separate fund or account shall be created by the
2 district for each improvement project, and each such fund or account
3 shall be identified by a suitable title. The proceeds from the sale of
4 bonds and temporary notes and any other moneys appropriated thereto
5 by the governing body of the district shall be credited to such funds or
6 accounts. Such funds or accounts shall be used solely to pay the costs
7 incurred in making each respective improvement. Upon completion of
8 an improvement, the balance remaining in the fund or account
9 established for such improvement, if any, may be held as contingent
10 funds for future improvements or may be credited against the amount
11 of the original assessment of each parcel of property, on a pro rata

12 basis based on the amount of the original assessment, and with respect
13 to property owners that have prepaid their assessments in accordance
14 with sections 204.650 to 204.672, the amount of each such credit shall
15 be refunded to the appropriate property owner. With respect to all
16 other property owners, the amount of each such credit shall be
17 transferred and credited to the district bond and interest fund to be
18 used solely to pay the principal of and interest on the bonds or
19 temporary notes, and the assessments shall be reduced accordingly by
20 the amount of such credit.

204.672. Any public sanitary sewer district or reorganized sewer
2 district organized and operated under this chapter or chapter 249,
3 RSMo, and any metropolitan sewer district organized under the
4 constitution of this state, may enter into a cooperative agreement with
5 a city or county for the purpose of constructing sanitary sewer system
6 improvements under the provisions of the neighborhood improvement
7 district act, sections 67.453 to 67.475, RSMo. Any such cooperative
8 agreement, if approved by the governing bodies of the district and city
9 or county, may include provisions for joint administration of projects
10 for the issuance of temporary notes and general obligation bonds by
11 district, city, or county, separately or jointly, and for the payment of
12 such bonds by any source of funds or user fees in addition to funds
13 from special assessments as provided for in sections 67.453 to 67.475,
14 RSMo, and general ad valorem taxes, so long as all terms, conditions,
15 and covenants of any applicable bond resolution or ordinance are
16 complied with and so long as said notes and bonds are issued in
17 compliance with general applicable law.

204.674. The provisions of sections 204.600 to 204.672 shall not
2 apply to the provisions in section 204.472, any city not within a county
3 and any county with a charter form of government and with more than
4 one million inhabitants, any sewer district created and organized under
5 constitutional authority, any sewer district located in any county with
6 a charter form of government and with more than six hundred
7 thousand but fewer than seven hundred thousand inhabitants that
8 provides wholesale sewer service.

393.829. A nonprofit sewer company shall have power:

- 2 (1) To sue and be sued, in its corporate name;
- 3 (2) To have succession by its corporate name for the period stated in its

4 articles of incorporation or, if no period is stated in its articles of incorporation,
5 to have such succession perpetually;

6 (3) To adopt a corporate seal and alter the same at pleasure;

7 (4) To provide wastewater disposal and wastewater treatment services to
8 its members, to governmental agencies and political subdivisions;

9 (5) To make loans to persons to whom wastewater disposal or wastewater
10 treatment is or will be supplied by the company for the purpose of, and otherwise
11 to assist such persons in, installing therein plumbing fixtures, appliances,
12 apparatus and equipment of any and all kinds and character, and in connection
13 therewith, to purchase, acquire, lease, sell, distribute, install and repair such
14 plumbing fixtures, appliances, apparatus and equipment, and to accept or
15 otherwise acquire, and to sell, assign, transfer, endorse, pledge, hypothecate and
16 otherwise dispose of notes, bonds and other evidences of indebtedness and any
17 and all types of security therefor;

18 (6) To make loans to persons to whom wastewater disposal or wastewater
19 treatment is or will be supplied by the company for the purpose of, and otherwise
20 to assist such persons in, constructing, maintaining and operating commercial or
21 industrial plants or facilities;

22 (7) To construct, purchase, take, receive, lease as lessee, or otherwise
23 acquire, and to own, hold, use, equip, maintain, and operate, and to sell, assign,
24 transfer, convey, exchange, lease as lessor, mortgage, pledge, or otherwise dispose
25 of or encumber, wastewater provision or collection or treatment systems, plants,
26 lands, buildings, structures, dams, and equipment, and any and all kinds and
27 classes of real or personal property whatsoever, which shall be deemed necessary,
28 convenient or appropriate to accomplish the purpose for which the company is
29 organized;

30 (8) To purchase or otherwise acquire, and to own, hold, use and exercise
31 and to sell, assign, transfer, convey, mortgage, pledge, hypothecate, or otherwise
32 dispose of or encumber, franchises, rights, privileges, licenses, rights-of-way and
33 easements;

34 (9) To borrow money and otherwise contract indebtedness, and to issue
35 notes, bonds, and other evidences of indebtedness therefor, and to secure the
36 payment thereof by mortgage, pledge, deed of trust, or any other encumbrance
37 upon any or all of its then-owned or after-acquired real or personal property,
38 assets, franchises, revenues or income;

39 (10) To construct, maintain and operate wastewater distribution and

40 collection and treatment plants and lines along, upon, under and across all public
41 thoroughfares, including without limitation, all roads, highways, streets, alleys,
42 bridges and causeways, and upon, under and across all publicly owned lands;

43 (11) To exercise the power of eminent domain in the manner provided by
44 the laws of this state for the exercise of that power by corporations constructing
45 or operating electric transmission and distribution lines or systems;

46 (12) To conduct its business and exercise any or all of its powers within
47 or without this state;

48 (13) To adopt, amend and repeal bylaws; [and]

49 (14) To do and perform any and all other acts and things, and to have and
50 exercise any and all other powers which may be necessary, convenient or
51 appropriate to accomplish the purpose for which the company is organized;

52 **(15) To provide all services and assume all responsibilities**
53 **authorized to a nonprofit water company organized under sections**
54 **393.900 to 393.954 in the same areas where the company is providing**
55 **sewer services when approved by its members, provided that no**
56 **domestic water services may be provided within the boundaries of an**
57 **existing public water supply district or within the certificated area of**
58 **a water corporation as defined in section 386.020, RSMo.**

432.070. No county, city, town, village, school township, school district or
2 other municipal corporation shall make any contract, unless the same shall be
3 within the scope of its powers or be expressly authorized by law, nor unless such
4 contract be made upon a consideration wholly to be performed or executed
5 subsequent to the making of the contract; and such contract, including the
6 consideration, shall be in writing and dated when made, and shall be subscribed
7 by the parties thereto, or their agents authorized by law and duly appointed and
8 authorized in writing. [Notwithstanding the foregoing, any home rule city with
9 more than sixty thousand three hundred but fewer than sixty thousand four
10 hundred inhabitants which after January 1, 2003, has committed or agreed in
11 writing to provide sewer service or has in fact directly or indirectly provided such
12 service to any homes within a subdivision shall give its customers two years prior
13 written notice of its intent to discontinue service and during such two-year period
14 shall continue to connect and provide sanitary sewer service to all homes
15 constructed in such subdivision. In no event shall any sewer service connected
16 prior to the expiration of such two-year period be discontinued.]

644.597. In addition to those sums authorized prior to August 28,

2 2007, the board of fund commissioners of the state of Missouri, as
3 authorized by section 37(e) of article III of the Constitution of the state
4 of Missouri, may borrow on the credit of this state the sum of ten
5 million dollars in the manner described, and for the purposes set out,
6 in chapter 640, RSMo, and in this chapter.

644.598. In addition to those sums authorized prior to August 28,
2 2007, the board of fund commissioners of the state of Missouri, as
3 authorized by section 37(g) of article III of the Constitution of the state
4 of Missouri, may borrow on the credit of this state the sum of ten
5 million dollars in the manner described, and for the purposes set out,
6 in chapter 640, RSMo, and in this chapter.

644.599. In addition to those sums authorized prior to August 28,
2 2007, the board of fund commissioners of the state of Missouri, as
3 authorized by section 37(h) of article III of the Constitution of the state
4 of Missouri, may borrow on the credit of this state the sum of twenty
5 million dollars in the manner described, and for the purposes set out,
6 in chapter 640, RSMo, and in this chapter.

Section B. Because of the need to allow the citizens of Missouri to operate
2 and maintain sewer systems, section A of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace and safety, and is
4 hereby declared to be an emergency act within the meaning of the constitution,
5 and section A of this act shall be in full force and effect upon its passage and
6 approval.

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